

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KENDALL REID,

Plaintiff,

v.

ORDER

16-cv-4090 (RPK)(SMG)

THE CITY OF NEW YORK, Detective Christopher Troisi, Shield # 4558, and NYPD POLICE OFFICERS JOHN DOES NOS. 1, 2, 3, ETC., (whose identities are unknown but who are known to be personnel of the New York City Police Department), all of whom are sued individually and in their official capacities,

Defendants.
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RACHEL P. KOVNER, United States District Judge:

This matter was reassigned to this Court on January 14, 2020. In preparation for the trial scheduled for February 10, 2020, this Court enters the below order.

I. Joint Pre-Trial Order

The parties shall jointly submit a proposed pre-trial order by January 31, 2020. The pre-trial order will use a uniform font type and size throughout, and shall include the following information:

- A. Caption: The full caption of the action.
- B. Parties and Counsel: The names, addresses (including firm names), and telephone numbers of trial counsel.
- C. Jurisdiction: A brief statement by Plaintiff explaining the basis of subject matter jurisdiction, and a brief statement by Defendants on the presence or absence of subject matter jurisdiction. These statements shall include citations to all (i) statutes and legal doctrines relied on, and (ii) relevant facts concerning citizenship and jurisdictional amount.
- D. Claims and Defenses: A brief summary by each party of the elements of its remaining asserted claims and defenses. These summaries shall include citations to all statutes relied on, but should not recite evidentiary matters.

- E. Statement of Relief Sought: A detailed statement of the damages and other relief sought by the Plaintiff.
- F. Witnesses: A list of names and addresses by each party for the fact and expert witnesses whose testimony is to be offered in its case in chief, together with a brief narrative statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify, except when prompt notice has been given and upon good cause shown.
- G. Deposition Testimony: A designation by each party of deposition testimony to be offered in its case in chief, with any cross-designations and objections by any other party.
- H. Stipulations: A statement of stipulated facts, if any.
- I. Exhibits: A schedule listing exhibits to be offered in evidence and, if not admitted by stipulation, the party or parties that will be offering them. The schedule should not include exhibits that a party intends to use solely for impeachment and/or rebuttal purposes. Copies of statements proposed to be read to the jury as “learned treatises” under Fed. R. Evid. 803(18) shall be listed as exhibits. Plaintiff’s exhibits shall be identified by numbers, and Defendant’s exhibits shall be identified by letters. Except for good cause shown, only exhibits listed will be received in evidence.

The parties shall list and briefly describe any objections to the admissibility of any exhibits and Judge Block’s ruling, if any, on those objections at the pretrial conference on January 14, 2020.

II. Motions *in Limine*

At the pretrial conference on January 14, 2020, Judge Block directed the parties to file briefs by January 24, 2020, addressing several issues discussed at that conference. Any motions addressing other issues that should be resolved *in limine* should be filed by January 31, 2020.

III. Preparation of Exhibits for Trial

All exhibits must be pre-marked for the trial and placed in binders with tabs. Plaintiff’s exhibits must be pre-marked with numbers—*e.g.*, “Pl. Exhibit 1.” Defendants’ exhibits must be pre-marked with letters—*e.g.*, “Def. Exhibit A.” All documents to be offered in evidence that contain multiple pages shall be paginated by counsel in advance of trial. Where counsel anticipates that a witness will refer to documentary evidence in the course of his or her direct testimony, counsel shall have (i) two copies of each document for the Court, and (ii) at least one copy each for the court reporter, each present opposing counsel, and each juror.

IV. Voir Dire

On January 14, 2020, Judge Block circulated to the parties a list of proposed *voir dire* questions for potential jurors. The deadline for any party to submit additional *voir dire* questions for the Court's consideration is January 31, 2020.

V. Jury Charges

Any party that wishes to submit proposed jury charges for the Court's consideration must do so by January 31, 2020. The proposed jury charges shall be filed on ECF and provided via electronic mail, in PDF and Microsoft Word format, to Kovner_Chambers@nyed.uscourts.gov.

Requests to charge should be limited to the elements of the claims, the damages sought, and defenses. General instructions will be prepared by the court.

VI. Verdict Sheets

The deadline for any party to submit proposed verdict sheets for the Court's consideration is January 31, 2020.

VII. Final Pre-Trial Conference

A pre-trial conference is scheduled for February 4, 2020 at 2 p.m. Trial counsel shall appear at that conference and be prepared to discuss the joint pre-trial order, the outstanding motions *in limine*, the issues that Judge Block directed the parties to address via letter brief, and any other unresolved matters. Furthermore, the parties shall at that conference provide the Court with three (3) tabbed binders containing copies of all exhibits. These courtesy copies shall comply with the specifications in Section III of this order.

SO ORDERED:

s/ RPK
RACHEL P. KOVNER
United States District Judge

DATED: Brooklyn, New York
January 21, 2020